

§ 11842. Evaluation of drug abuse education and prevention efforts

(a) Method

The Secretary of Health and Human Services shall develop and conduct a structured evaluation of the different approaches utilized across the Nation to reduce drug abuse.

(b) Grants

The Secretary of Health and Human Services may make grants to or enter into contracts with appropriate entities for the purpose of conducting the evaluations required by subsection (a) of this section.

(c) Time of reports

The Secretary shall submit a report based on the evaluations prepared under subsection (a) of this section not later than 1 year after November 18, 1988, and another report based on such evaluations not later than 3 years after November 18, 1988. A third report based on such evaluations shall be submitted by the Secretary not later than January 1, 1994.

(d) Authorization of appropriations

To carry out this section, there are authorized to be appropriated \$12,000,000 in fiscal year 1989, and \$15,000,000 for each of the fiscal years 1990 through 1993.

(Pub. L. 100-690, title III, § 3522, Nov. 18, 1988, 102 Stat. 4260; Pub. L. 101-93, § 4(2), Aug. 16, 1989, 103 Stat. 611; Pub. L. 101-204, title X, § 1001(c)(1), Dec. 7, 1989, 103 Stat. 1826.)

AMENDMENTS

1989—Subsec. (a). Pub. L. 101-93 and Pub. L. 101-204, § 1001(c)(1)(A)(ii), made identical amendments, striking out “(as defined in section 11851(6) of this title)” after “drug abuse”.

Pub. L. 101-204, § 1001(c)(1)(A)(i), struck out “, acting through the Administrator,” before “shall develop”.

Subsec. (b). Pub. L. 101-204, § 1001(c)(1)(B), substituted “Secretary of Health and Human Services” for “Administrator”.

SUBCHAPTER IV—MISCELLANEOUS

§ 11851. Definitions

Unless otherwise defined by an Act amended by this title,¹ for purposes of this title¹ and the amendments made by this title—¹

(1) the term “community based” has the meaning given it in section 5603(1) of this title,

(2) the term “controlled substance” has the meaning given it in section 802(6) of title 21,

(3) the term “controlled substance analogue” has the meaning given it in section 802(32) of title 21,

(4) the term “drug” means—

(A) a beverage containing alcohol,

(B) a controlled substance, or

(C) a controlled substance analogue,

(5) the term “Director” means the Chief Executive Officer of the Corporation for National and Community Service,

(6) the term “illicit” means unlawful or injurious,

(7) the term “institution of higher education” has the meaning given it in section 1141(a) of title 20,

(8) the term “public agency” has the meaning given it in section 5603(11) of this title,

(9) the term “Secretary” means—

(A) the Secretary of Education for purposes of subtitle A (other than section 3201),

(B) the Secretary of Agriculture for purposes of the amendments made by section 3201, and

(C) the Secretary of Health and Human Services for purposes of subtitle B,

(10) the term “State” has the meaning given it in section 5603(7) of this title,

(11) the term “treatment” has the meaning given it in section 5603(15) of this title, and

(12) the term “unit of general local government” has the meaning given it in section 5603(8) of this title.

(Pub. L. 100-690, title III, § 3601, Nov. 18, 1988, 102 Stat. 4260; Pub. L. 101-204, title X, § 1001(c)(2), Dec. 7, 1989, 103 Stat. 1827; Pub. L. 103-82, title IV, § 405(n), Sept. 21, 1993, 107 Stat. 922.)

REFERENCES IN TEXT

This title, referred to in introductory provisions, means title III of Pub. L. 100-690, Nov. 18, 1988, 102 Stat. 4244, which enacted this chapter and sections 3156-1, 3201, and 3227 of Title 20, Education, and amended sections 1786, 4994, and 5081 of this title and sections 3156a, 3181, 3191 to 3195, 3197, 3212, and 3222 of Title 20. For complete classification of title III to the Code, see Tables.

Subtitle A (other than section 3201), referred to in par. (9)(A), is subtitle A (§§ 3101-3402) of title III of Pub. L. 100-690, Nov. 18, 1988, 102 Stat. 4245, which enacted former sections 3156-1, 3201, and 3227 of Title 20, and amended sections 4994 and 5081 of this title and former sections 3156a, 3181, 3191 to 3195, 3197, 3212, and 3222 of Title 20. For complete classification of subtitle A to the Code, see Tables.

Section 3201, referred to in par. (9)(A), (B), is section 3201 of Pub. L. 100-690, title III, Nov. 18, 1988, 102 Stat. 4246, which amended section 1786 of this title.

Subtitle B, referred to in par. (9)(C), is subtitle B (§§ 3501-3522) of title III of Pub. L. 100-690, Nov. 18, 1988, 102 Stat. 4254, which enacted subchapters I to III of this chapter. For complete classification of subtitle B to the Code, see Tables.

AMENDMENTS

1993—Par. (5). Pub. L. 103-82 added par. (5) and struck out former par. (5) which read as follows: “the term ‘Director’ means the Director of the ACTION Agency.”

1989—Pub. L. 101-204 redesignated pars. (2) to (13) as (1) to (12), respectively, and struck out former par. (1) which read as follows: “the term ‘Administrator’ means the Administrator of the Office of Juvenile Justice and Delinquency Prevention.”

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103-82 effective Apr. 4, 1994, see section 406(b) of Pub. L. 103-82, set out as a note under section 8332 of Title 5, Government Organization and Employees.

CHAPTER 124—PUBLIC HOUSING DRUG ELIMINATION

SUBCHAPTER I—PUBLIC AND ASSISTED HOUSING DRUG ELIMINATION

Sec.

11901. Congressional findings.

11902. Authority to make grants.

11903. Eligible activities.

(a) Public and assisted housing.

(b) Other PHA-owned housing.

¹ See References in Text note below.

- Sec.
11903a. Public and assisted housing youth sports programs.
 (a) Public housing youth sports program grants.
 (b) Entities qualified to receive grants.
 (c) Use of grants.
 (d) Eligible activities.
 (e) Grant amount limitations.
 (f) Applications.
 (g) Selection criteria.
 (h) Report.
 (i) Definitions.
 (j) Regulations.
 (k) Omitted.
 (l) Midnight basketball league training and partnership programs.
11904. Applications.
 (a) In general.
 (b) Criteria.
 (c) Federally assisted low-income housing.
 (d) High intensity drug trafficking areas.
11905. Definitions.
11906. Implementation.
11907. Reports.
11908. Monitoring.
11909. Authorization of appropriations.
 (a) In general.
 (b) Set-asides.
 (c) Set-aside for youth sports programs.

SUBCHAPTER II—DRUG-FREE PUBLIC HOUSING

11921. Statement of purpose.
11922. Clearinghouse on drug abuse in public housing.
 (a) Establishment.
 (b) Functions.
11923. Regional training program on drug abuse in public housing.
 (a) Establishment.
 (b) Operation.
11924. Definitions.
11925. Regulations.

SUBCHAPTER I—PUBLIC AND ASSISTED HOUSING DRUG ELIMINATION

§ 11901. Congressional findings

The Congress finds that—

(1) the Federal Government has a duty to provide public and other federally assisted low-income housing that is decent, safe, and free from illegal drugs;

(2) public and other federally assisted low-income housing in many areas suffers from rampant drug-related crime;

(3) drug dealers are increasingly imposing a reign of terror on public and other federally assisted low-income housing tenants;

(4) the increase in drug-related crime not only leads to murders, muggings, and other forms of violence against tenants, but also to a deterioration of the physical environment that requires substantial government expenditures; and

(5) local law enforcement authorities often lack the resources to deal with the drug problem in public and other federally assisted low-income housing, particularly in light of the recent reductions in Federal aid to cities.

(Pub. L. 100-690, title V, § 5122, Nov. 18, 1988, 102 Stat. 4301; Pub. L. 101-625, title V, § 581(a), Nov. 28, 1990, 104 Stat. 4245.)

AMENDMENTS

1990—Pub. L. 101-625 amended section generally. Prior to amendment, section read as follows: “The Congress finds that—

“(1) the Federal Government has a duty to provide public housing that is decent, safe, and free from illegal drugs;

“(2) public housing projects in many areas suffer from rampant drug-related crime;

“(3) drug dealers are increasingly imposing a reign of terror on public housing tenants;

“(4) the increase in drug-related crime not only leads to murders, muggings, and other forms of violence against tenants, but also to a deterioration of the physical environment that requires substantial government expenditures; and

“(5) local law enforcement authorities often lack the resources to deal with the drug problem in public housing, particularly in light of the recent reductions in Federal aid to cities.”

SHORT TITLE OF 1994 AMENDMENT

Pub. L. 103-227, title X, § 1051, Mar. 31, 1994, 108 Stat. 274, provided that: “This part [part D (§§ 1051-1053) of title X of Pub. L. 103-227, amending section 11903a of this title] may be cited as the ‘Midnight Basketball League Training and Partnership Act’.”

SHORT TITLE

Section 5121 of Pub. L. 100-690, as amended by Pub. L. 101-625, title V, § 581(a), Nov. 28, 1990, 104 Stat. 4245, provided that: “This chapter [chapter 2 (§§ 5121-5130) of subtitle C of title V of Pub. L. 100-690, enacting this subchapter] may be cited as the ‘Public and Assisted Housing Drug Elimination Act of 1990’.”

Section 5141 of Pub. L. 100-690 provided that: “This chapter [chapter 3 (§§ 5141-5146) of subtitle C of title V of Pub. L. 100-690, enacting subchapter II of this chapter] may be cited as the ‘Drug-Free Public Housing Act of 1988’.”

§ 11902. Authority to make grants

The Secretary of Housing and Urban Development, in accordance with the provisions of this subchapter, may make grants to public housing agencies (including Indian Housing Authorities), public housing resident management corporations that are principally managing, as determined by the Secretary, public housing projects owned by public housing agencies, and private, for-profit and nonprofit owners of federally assisted low-income housing for use in eliminating drug-related crime.

(Pub. L. 100-690, title V, § 5123, Nov. 18, 1988, 102 Stat. 4301; Pub. L. 101-625, title V, § 581(a), Nov. 28, 1990, 104 Stat. 4246; Pub. L. 102-550, title I, § 161(d)(1), Oct. 28, 1992, 106 Stat. 3719.)

AMENDMENTS

1992—Pub. L. 102-550 inserted “, public housing resident management corporations that are principally managing, as determined by the Secretary, public housing projects owned by public housing agencies,” after “Authorities)”.

1990—Pub. L. 101-625 amended section generally. Prior to amendment, section read as follows: “The Secretary of Housing and Urban Development, in accordance with the provisions of this subchapter, may make grants to public housing agencies (including Indian housing authorities) for use in eliminating drug-related crime in public housing projects.”

§ 11903. Eligible activities

(a) Public and assisted housing

Grants under this subchapter may be used in public housing or other federally assisted low-income housing projects for—

- (1) the employment of security personnel;

(2) reimbursement of local law enforcement agencies for additional security and protective services;

(3) physical improvements which are specifically designed to enhance security;

(4) the employment of one or more individuals—

(A) to investigate drug-related crime on or about the real property comprising any public or other federally assisted low-income housing project; and

(B) to provide evidence relating to such crime in any administrative or judicial proceeding;

(5) the provision of training, communications equipment, and other related equipment for use by voluntary tenant patrols acting in cooperation with local law enforcement officials;

(6) programs designed to reduce use of drugs in and around public or other federally assisted low-income housing projects, including drug-abuse prevention, intervention, referral, and treatment programs; and

(7) where a public housing agency receives a grant, providing funding to nonprofit public housing resident management corporations and resident councils to develop security and drug abuse prevention programs involving site residents.

(b) Other PHA-owned housing

Notwithstanding any other provision of this subchapter, grants under this subchapter may be used to eliminate drug-related crime in housing owned by public housing agencies that is not public housing assisted under the United States Housing Act of 1937 [42 U.S.C. 1437 et seq.] and is not otherwise federally assisted, for the activities described in paragraphs (1) through (7) of subsection (a) of this section, but only if—

(1) the housing is located in a high intensity drug trafficking area designated pursuant to section 1504 of title 21; and

(2) the public housing agency owning the housing demonstrates, to the satisfaction of the Secretary, that drug-related activity at the housing has a detrimental effect on or about the real property comprising any public or other federally assisted low-income housing.

(Pub. L. 100-690, title V, § 5124, Nov. 18, 1988, 102 Stat. 4301; Pub. L. 101-625, title V, § 581(a), Nov. 28, 1990, 104 Stat. 4246; Pub. L. 102-550, title I, § 161(c), (d)(2), Oct. 28, 1992, 106 Stat. 3718, 3719.)

REFERENCES IN TEXT

The United States Housing Act of 1937, referred to in subsec. (b), is act Sept. 1, 1937, ch. 896, as revised generally by Pub. L. 93-383, title II, § 201(a), Aug. 22, 1974, 88 Stat. 653, and amended, which is classified generally to chapter 8 (§ 1437 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1437 of this title and Tables.

AMENDMENTS

1992—Pub. L. 102-550 designated existing provisions as subsec. (a), inserted heading, inserted “where a public housing agency receives a grant,” in par. (7), and added subsec. (b).

1990—Pub. L. 101-625 amended section generally. Prior to amendment, section read as follows: “A public housing agency may use a grant under this subchapter for—

“(1) the employment of security personnel in public housing projects;

“(2) reimbursement of local law enforcement agencies for additional security and protective services for public housing projects;

“(3) physical improvements in public housing projects which are specifically designed to enhance security;

“(4) the employment of 1 or more individuals—

“(A) to investigate drug-related crime on or about the real property comprising any public housing project; and

“(B) to provide evidence relating to any such crime in any administrative or judicial proceeding;

“(5) the provision of training, communications equipment, and other related equipment for use by voluntary public housing tenant patrols acting in cooperation with local law enforcement officials;

“(6) innovative programs designed to reduce use of drugs in and around public housing projects; and

“(7) providing funding to nonprofit public housing resident management corporation and tenant councils to develop security and drug abuse prevention programs involving site residents.”

§ 11903a. Public and assisted housing youth sports programs

(a) Public housing youth sports program grants

From amounts provided for public and assisted housing drug elimination grants under section 11909(a) of this title, the Secretary of Housing and Urban Development may make grants to qualified entities under subsection (b) of this section to carry out youth sports programs for residents of projects of public housing agencies with substantial drug problems.

(b) Entities qualified to receive grants

Grants under this section may be made only to—

(1) States;

(2) units of general local government;

(3) local park and recreation districts and agencies;

(4) public housing agencies;

(5) nonprofit organizations and institutions of higher learning providing youth sports services programs;

(6) Indian tribes;

(7) Indian housing authorities; and

(8) institutions of higher learning that have never participated in a youth sports program assisted under this section.

(c) Use of grants

(1) Public housing sites with substantial drug problems

Grants under this section shall be used for youth sports programs only with respect to public housing sites that the Secretary determines have a substantial problem regarding the use or sale of illegal drugs.

(2) Youth sports program eligibility

To be eligible to receive assistance from a grant under this section, a youth sports program shall be designed and organized as follows:

(A) The sports program shall serve primarily youths from the public housing project in which the program assisted by the grant is operated.

(B) The sports program shall provide positive sports activities or positive cultural,

recreational, or other activities, designed to appeal to youths as alternatives to the drug environment in the public housing project.

(C) The sports program shall be operated as, in conjunction with, or in furtherance of, an organized program or plan designed to eliminate drugs and drug-related problems in the public housing project or projects within the public housing agency.

(3) Midnight basketball league programs

Notwithstanding any other provision of this subsection and subsection (d) of this section, a grant under this section may be used to carry out any youth sports program that meets the requirements of a midnight basketball league program under subsection (l)(4) of this section (not including subparagraph (B) of such subsection) if the program serves primarily youths and young adults from the public housing project in which the program assisted by the grant is operated.

(d) Eligible activities

Any qualified entity that receives a grant under this section may use amounts from the grant to assist in carrying out a youth sports program in any of the following manners:

- (1) Acquisition, construction, or rehabilitation of community centers, parks, or playgrounds.
- (2) Redesigning or modifying public spaces in public housing projects to provide increased utilization of the areas by youth sports programs.
- (3) Provision of public services, including salaries and expenses for staff of youth sports programs, cultural activities, transportation costs, educational programs relating to drug abuse, and sports and recreation equipment.
- (4) In the case only of an eligible entity described in subsection (b)(8) of this section, any transportation costs in connection with the program.

(e) Grant amount limitations

(1) Matching amount

The Secretary may not make a grant to any qualified entity that applies for a grant under subsection (f) of this section unless the applicant entity certifies to the Secretary, as the Secretary shall require, that the applicant will supplement the amount provided by the grant with an amount of funds from non-Federal sources equal to or greater than 50 percent of the amount provided by the grant.

(2) Non-Federal funds

For purposes of this subsection, the term “funds from non-Federal sources” includes funds from States, units of general local governments, or agencies of such governments, Indian tribes, private contributions, any salary paid to staff to carry out the youth sports program of the recipient, the value of the time and services contributed by volunteers to carry out the program of the recipient at a rate determined by the Secretary, the value of any donated material, equipment, or building, and the value of any lease on a building.

(3) Prohibition of substitution of funds

Neither amounts received from grants under this section nor any State or local government

funds used to supplement such amounts may be used to replace other public funds previously used, or designated for use, for the purposes under this Act.

(4) Maximum annual grant amount

For any single fiscal year, the Secretary may not award grants under this section for carrying out a youth sports program with respect to any single public housing project in an amount exceeding \$125,000.

(f) Applications

To be eligible to receive a grant under this section, a qualified entity under subsection (b) of this section shall submit to the Secretary an application as the Secretary may require, which shall include the following:

- (1) A description of the organization of the youth sports program.
- (2) A description of the nature of services provided by the youth sports program.
- (3) An estimate of the number of youth involved.
- (4) A description of the extent of involvement of local sports organizations or sports figures.
- (5) A description of the facilities used.
- (6) A description of plans to continue the youth sports program in the future.
- (7) A statement regarding the extent to which the youth sports program meets the criteria for selection under subsection (g) of this section.
- (8) A description of the planned schedule and activities of the youth sports program and the financial and other resources committed to each activity and service of the program.
- (9) A budget describing the share of the costs of the youth sports program provided by the grant under this section and other sources of funds, including funds required under subsection (e)(1) of this section.
- (10) Any other information that the Secretary may require.

(g) Selection criteria

The Secretary shall select qualified entities that have applied under subsection (f) of this section to receive grants under this section pursuant to a competition based on the following criteria:

- (1) The extent to which the youth sports program to be assisted with the grant addresses the particular needs of the area to be served by the program and employs methods, approaches, or ideas in the design or implementation of the program particularly suited to fulfilling such needs (whether such methods are conventional or unique and innovative).
- (2) The technical merit of the application of the qualified entity.
- (3) The qualifications, capabilities, and experience of the personnel and staff of the sports program who are critical to achieving the objectives of the program as described in the application.
- (4) The capabilities, related experience, facilities, techniques of the applicant for carrying out the youth sports program and achieving the objectives of the program as described in the application and the potential of the ap-

plicant for continuing the youth sports program.

(5) The severity of the drug problem at the local public housing site for the youth sports program and the extent of any planned or actual efforts to rid the site of the problem.

(6) The extent to which local sports organizations or sports figures are involved.

(7) The extent of the support of the public housing agency for the program, coordination of proposed activities with local resident management groups or associations (where such groups exist) and coordination of proposed activities with ongoing programs of the applicant that further the purposes of this section.

(8) The extent of non-Federal contributions that exceed the amount of such funds required under subsection (e)(1) of this section.

(9) In the case of a qualified entity under paragraph (3) or (4) of subsection (b) of this section, the extent to which the applicant has demonstrated local government support for the program.

(h) Report

Each qualified entity that receives a grant under this section shall submit to the Secretary, not later than the expiration of the 90-day period beginning on the date on which the grant amounts provided under this section are fully expended, a report describing the activities carried out with the grant.

(i) Definitions

For purposes of this section:

(1) Indian tribe

The term “Indian tribe” has the meaning given such term in section 5302(a)(17) of this title.

(2) Public housing agency

The term “public housing agency” has the meaning given the term in section 1437a(b) of this title.

(3) Public housing project

The terms “project” and “public housing” have the meanings given the terms in section 1437a(b) of this title.

(4) Qualified entity

The term “qualified entity” means an entity eligible under subsection (b) of this section to apply for and receive a grant under this section.

(5) State

The term “State” means the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

(6) Unit of general local government

The term “unit of general local government” means any city, town, township, county, parish, village, or other general purpose political subdivision of a State.

(7) Secretary

The term “Secretary” means the Secretary of Housing and Urban Development.

(j) Regulations

The Secretary shall issue any regulations necessary to carry out this section.

(k) Omitted

(l) Midnight basketball league training and partnership programs

(1) Authority

The Secretary shall make grants, to the extent that amounts are approved in appropriations Acts under paragraph (13), to—

(A) eligible entities to assist such entities in carrying out midnight basketball league programs meeting the requirements of paragraph (4); and

(B) eligible advisory entities to provide technical assistance to eligible entities in establishing and operating such midnight basketball league programs.

(2) Eligible entities

(A) In general

Subject to subparagraph (B), grants under paragraph (1)(A) may be made only to the following eligible entities:

(i) Entities eligible under subsection (b) of this section for a grant under subsection (a) of this section.

(ii) Nonprofit organizations providing employment counseling, job training, or other educational services.

(iii) Nonprofit organizations providing federally assisted low-income housing.

(B) Prohibition on second grants

A grant under paragraph (1)(A) may not be made to an eligible entity if the entity has previously received a grant under such paragraph, except that the Secretary may exempt an eligible advisory entity from the prohibition under this subparagraph in extraordinary circumstances.

(3) Use of grant amounts

Any eligible entity that receives a grant under paragraph (1)(A) may use such amounts only—

(A) to establish or carry out a midnight basketball league program under paragraph (4);

(B) for salaries for administrators and staff of the program;

(C) for other administrative costs of the program, except that not more than 5 percent of the grant amount may be used for such administrative costs; and

(D) for costs of training and assistance provided under paragraph (4)(I).

(4) Program requirements

Each eligible entity receiving a grant under paragraph (1)(A) shall establish a midnight basketball league program as follows:

(A) The program shall establish a basketball league of not less than 8 teams having 10 players each.

(B) Not less than 50 percent of the players in the basketball league shall be residents of federally assisted low-income housing or members of low-income families (as such term is defined in section 1437a(b) of this title).

(C) The program shall be designed to serve primarily youths and young adults from a neighborhood or community whose population has not less than 2 of the following characteristics (in comparison with national averages):

- (i) A substantial problem regarding use or sale of illegal drugs.
- (ii) A high incidence of crimes committed by youths or young adults.
- (iii) A high incidence of persons infected with the human immunodeficiency virus or sexually transmitted diseases.
- (iv) A high incidence of pregnancy or a high birth rate, among adolescents.
- (v) A high unemployment rate for youths and young adults.
- (vi) A high rate of high school drop-outs.

(D) The program shall require each player in the league to attend employment counseling, job training, and other educational classes provided under the program, which shall be held immediately following the conclusion of league basketball games at or near the site of the games and at other specified times.

(E) The program shall serve only youths and young adults who demonstrate a need for such counseling, training, and education provided by the program, in accordance with criteria for demonstrating need, which shall be established by the Secretary, in consultation with the Advisory Committee.

(F) The majority of the basketball games of the league shall be held between the hours of 10:00 p.m. and 2:00 a.m. at a location in the neighborhood or community served by the program.

(G) The program shall obtain sponsors for each team in the basketball league. Sponsors shall be private individuals or businesses in the neighborhood or community served by the program who make financial contributions to the program and participate in or supplement the employment, job training, and educational services provided to the players under the program with additional training or educational opportunities.

(H) The program shall comply with any criteria established by the Secretary, in consultation with the Advisory Committee established under paragraph (9).

(I) Administrators or organizers of the program shall receive training and technical assistance provided by eligible advisory entities receiving grants under paragraph (8).

(5) Grant amount limitations

(A) Private contributions

The Secretary may not make a grant under paragraph (1)(A) to an eligible entity that applies for a grant under paragraph (6) unless the applicant entity certifies to the Secretary that the entity will supplement the grant amounts with amounts of funds from non-Federal sources, as follows:

- (i) In each of the first 2 years that amounts from the grant are disbursed (under subparagraph (E)), an amount sufficient to provide not less than 35 percent of the cost of carrying out the midnight basketball league program.

- (ii) In each of the last 3 years that amounts from the grant are disbursed, an amount sufficient to provide not less than 50 percent of the cost of carrying out the midnight basketball league program.

(B) Non-Federal funds

For purposes of this paragraph, the term “funds from non-Federal sources” includes amounts from nonprofit organizations, public housing agencies, States, units of general local government, and Indian housing authorities, private contributions, any salary paid to staff (other than from grant amounts under paragraph (1)(A)) to carry out the program of the eligible entity, in-kind contributions to carry out the program (as determined by the Secretary after consultation with the Advisory Committee), the value of any donated material, equipment, or building, the value of any lease on a building, the value of any utilities provided, and the value of any time and services contributed by volunteers to carry out the program of the eligible entity.

(C) Prohibition on substitution of funds

Grant amounts under paragraph (1)(A) and amounts provided by States and units of general local government to supplement grant amounts may not be used to replace other public funds previously used, or designated for use, under this section.

(D) Maximum and minimum grant amounts

(i) In general

The Secretary may not make a grant under paragraph (1)(A) to any single eligible entity in an amount less than \$55,000 or exceeding \$130,000, except as provided in clause (ii).

(ii) Exception for large leagues

In the case of a league having more than 80 players, a grant under paragraph (1)(A) may exceed \$130,000, but may not exceed the amount equal to 35 percent of the cost of carrying out the midnight basketball league program.

(E) Disbursement

Amounts provided under a grant under paragraph (1)(A) shall be disbursed to the eligible entity receiving the grant over the 5-year period beginning on the date that the entity is selected to receive the grant, as follows:

- (i) In each of the first 2 years of such 5-year period, 23 percent of the total grant amount shall be disbursed to the entity.
- (ii) In each of the last 3 years of such 5-year period, 18 percent of the total grant amount shall be disbursed to the entity.

(6) Applications

To be eligible to receive a grant under paragraph (1)(A), an eligible entity shall submit to the Secretary an application in the form and manner required by the Secretary (after consultation with the Advisory Committee), which shall include—

- (A) a description of the midnight basketball league program to be carried out by the

entity, including a description of the employment counseling, job training, and other educational services to be provided;

(B) letters of agreement from service providers to provide training and counseling services required under paragraph (4) and a description of such service providers;

(C) letters of agreement providing for facilities for basketball games and counseling, training, and educational services required under paragraph (4) and a description of the facilities;

(D) a list of persons and businesses from the community served by the program who have expressed interest in sponsoring, or have made commitments to sponsor, a team in the midnight basketball league; and

(E) evidence that the neighborhood or community served by the program meets the requirements of paragraph (4)(C).

(7) Selection

The Secretary, in consultation with the Advisory Committee, shall select eligible entities that have submitted applications under paragraph (6) to receive grants under paragraph (1)(A). The Secretary, in consultation with the Advisory Committee, shall establish criteria for selection of applicants to receive such grants. The criteria shall include a preference for selection of eligible entities carrying out midnight basketball league programs in suburban and rural areas.

(8) Technical assistance grants

Technical assistance grants under paragraph (1)(B) shall be made as follows:

(A) Eligible advisory entities

Technical assistance grants may be made only to entities that—

(i) are experienced and have expertise in establishing, operating, or administering successful and effective programs for midnight basketball and employment, job training, and educational services similar to the programs under paragraph (4); and

(ii) have provided technical assistance to other entities regarding establishment and operation of such programs.

(B) Use

Amounts received under technical assistance grants shall be used to establish centers for providing technical assistance to entities receiving grants under paragraph (1)(A) of this subsection and subsection (a) of this section regarding establishment, operation, and administration of effective and successful midnight basketball league programs under this subsection and subsection (c)(3) of this section.

(C) Number and amount

To the extent that amounts are provided in appropriations Acts under paragraph (13)(B) in each fiscal year, the Secretary shall make technical assistance grants under paragraph (1)(B). In each fiscal year that such amounts are available the Secretary shall make 4 such grants, as follows:

(i) 2 grants shall be made to eligible advisory entities for development of mid-

night basketball league programs in public housing projects.

(ii) 2 grants shall be made to eligible advisory entities for development of midnight basketball league programs in suburban or rural areas.

(iii) Each grant shall be in an amount not exceeding \$25,000.

(9) Advisory Committee

The Secretary of Housing and Urban Development shall appoint an Advisory Committee to assist the Secretary in providing grants under this subsection. The Advisory Committee shall be composed of not more than 7 members, as follows:

(A) Not less than 2 individuals who are involved in managing or administering midnight basketball programs that the Secretary determines have been successful and effective. Such individuals may not be involved in a program assisted under this subsection or a member or employee of an eligible advisory entity that receives a technical assistance grant under paragraph (1)(B).

(B) A representative of the Center for Substance Abuse Prevention of the Public Health Service, Department of Health and Human Services, who is involved in administering the grant program for prevention, treatment, and rehabilitation model projects for high risk youth under section 290aa-8¹ of this title who shall be selected by the Secretary of Health and Human Services.

(C) A representative of the Department of Education, who shall be selected by the Secretary of Education.

(D) A representative of the Department of Health and Human Services, who shall be selected by the Secretary of Health and Human Services from among officers and employees of such Department involved in issues relating to high-risk youth.

(10) Reports

The Secretary shall require each eligible entity receiving a grant under paragraph (1)(A) and each eligible advisory entity receiving a grant under paragraph (1)(B) to submit to the Secretary, for each year in which grant amounts are received by the entity, a report describing the activities carried out with such amounts.

(11) Study

To the extent amounts are provided under appropriation Acts pursuant to paragraph (13)(C), the Secretary shall make a grant to one entity qualified to carry out a study under this paragraph. The entity shall use such grant amounts to carry out a scientific study of the effectiveness of midnight basketball league programs under paragraph (4) of eligible entities receiving grants under paragraph (1)(A). The Secretary shall require such entity to submit a report describing the study and any conclusions and recommendations resulting from the study to the Congress and the Secretary not later than the expiration of the 2-year period beginning on the date that the grant under this paragraph is made.

¹ See References in Text note below.

(12) Definitions

For purposes of this subsection:

(A) The term “Advisory Committee” means the Advisory Committee established under paragraph (9).

(B) The term “eligible advisory entity” means an entity meeting the requirements under paragraph (8)(A).

(C) The term “eligible entity” means an entity described under paragraph (2)(A).

(D) The term “federally assisted low-income housing” has the meaning given the term in section 11905 of this title.

(E) The term “Secretary” unless otherwise specified, means the Secretary of Housing and Urban Development.

(13) Authorization of appropriations

There are authorized to be appropriated—

(A) for grants under paragraph (1)(A), \$2,650,000 in each of fiscal years 1994 and 1995;

(B) for technical assistance grants under paragraph (1)(B), \$100,000 in each of fiscal years 1994 and 1995; and

(C) for a study grant under paragraph (11), \$250,000 in fiscal year 1994.

(Pub. L. 101-625, title V, § 520, Nov. 28, 1990, 104 Stat. 4202; Pub. L. 102-389, title II, Oct. 6, 1992, 106 Stat. 1587; Pub. L. 102-550, title I, § 126(b), Oct. 28, 1992, 106 Stat. 3710; Pub. L. 103-227, title X, §§ 1052, 1053, Mar. 31, 1994, 108 Stat. 274, 280.)

REFERENCES IN TEXT

This Act, referred to in subsec. (e)(3), is the Cranston-Gonzalez National Affordable Housing Act, Pub. L. 101-625, Nov. 28, 1990, 104 Stat. 4079. For complete classification of this Act to the Code, see Short Title note set out under section 12701 of this title and Tables.

Section 1437a(b) of this title, referred to in subsec. (i)(3), was in the original “section 3(6) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b))”, and was translated as reading “section 3(b) of the United States Housing Act of 1937” to reflect the probable intent of Congress.

Section 290aa-8 of this title, referred to in subsec. (l)(9)(B), was in the original a reference to section 509A of the Public Health Service Act. Section 509A of that Act was renumbered section 517 and amended by Pub. L. 102-321, title I, § 114, July 10, 1992, 106 Stat. 346, and was transferred to section 290bb-23 of this title.

CODIFICATION

Section was enacted as part of the Cranston-Gonzalez National Affordable Housing Act, and not as part of Public and Assisted Housing Drug Elimination Act of 1990 which comprises this subchapter.

Section is comprised of section 520 of Pub. L. 101-625. Subsec. (k) of section 520 of Pub. L. 101-625 amended section 11908 of this title.

AMENDMENTS

1994—Pub. L. 103-227, § 1052(1), substituted “Public and assisted housing” for “Public housing” in section catchline.

Subsec. (a). Pub. L. 103-227, § 1052(2), substituted “Public housing youth sports program grants” for “Youth sports program grants” in heading.

Subsec. (c)(3). Pub. L. 103-227, § 1053, added par. (3).

Subsec. (l). Pub. L. 103-227, § 1052(3), added subsec. (l). 1992—Subsec. (a). Pub. L. 102-389 substituted “for residents of projects” for “in projects”.

Subsec. (b)(5). Pub. L. 102-389 inserted “and institutions of higher learning” after “nonprofit organizations”.

Subsec. (b)(8). Pub. L. 102-550, § 126(b)(1), added par. (8).

Subsec. (d)(3). Pub. L. 102-389 inserted “transportation costs,” after “cultural activities.”.

Subsec. (d)(4). Pub. L. 102-550, § 126(b)(2), added par. (4).

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

TERMINATION OF ADVISORY COMMITTEES

Advisory committees established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by Congress, its duration is otherwise provided by law. See section 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 11909 of this title.

§ 11904. Applications**(a) In general**

To receive a grant under this subchapter, a public housing agency, a public housing resident management corporation, or an owner of federally assisted low-income housing shall submit an application to the Secretary, at such time, in such manner, and accompanied by such additional information as the Secretary may reasonably require. Such application shall include a plan for addressing the problem of drug-related crime on the premises of the housing administered or owned by the applicant for which the application is being submitted.

(b) Criteria

Except as provided by subsections (c) and (d) of this section the Secretary shall approve applications under this subchapter based exclusively on—

(1) the extent of the drug-related crime problem in the public or federally assisted low-income housing project or projects proposed for assistance;

(2) the quality of the plan to address the crime problem in the public or federally assisted low-income housing project or projects proposed for assistance, including the extent to which the plan includes initiatives that can be sustained over a period of several years;

(3) the capability of the applicant to carry out the plan; and

(4) the extent to which tenants, the local government and the local community support and participate in the design and implementation of the activities proposed to be funded under the application.

(c) Federally assisted low-income housing

In addition to the selection criteria specified in subsection (b) of this section, the Secretary may establish other criteria for the evaluation of applications submitted by owners of federally assisted low-income housing, except that such additional criteria shall be designed only to reflect—

- (1) relevant differences between the financial resources and other characteristics of public housing authorities and owners of federally assisted low-income housing, or
- (2) relevant differences between the problem of drug-related crime in public housing and the problem of drug-related crime in federally assisted low-income housing.

(d) High intensity drug trafficking areas

In evaluating the extent of the drug-related crime problem pursuant to subsection (b) of this section, the Secretary may consider whether housing projects proposed for assistance are located in a high intensity drug trafficking area designated pursuant to section 1504 of title 21.

(Pub. L. 100-690, title V, § 5125, Nov. 18, 1988, 102 Stat. 4302; Pub. L. 101-625, title V, § 581(a), Nov. 28, 1990, 104 Stat. 4246; Pub. L. 102-550, title I, § 161(d)(3), Oct. 28, 1992, 106 Stat. 3719.)

AMENDMENTS

1992—Subsec. (a). Pub. L. 102-550 inserted “, a public housing resident management corporation,” after “public housing agency” in first sentence.

1990—Pub. L. 101-625 amended section generally, substituting present provisions for provisions relating generally to applications for grants under this subchapter and to criteria for approval of such applications.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 11907 of this title.

§ 11905. Definitions

For the purposes of this subchapter:

(1) Controlled substance

The term “controlled substance” has the meaning given such term in section 802 of title 21.

(2) Drug-related crime

The term “drug-related crime” means the illegal manufacture, sale, distribution, use, or possession with intent to manufacture, sell, distribute, or use a controlled substance.

(3) Secretary

The term “Secretary” means the Secretary of Housing and Urban Development.

(4) Federally assisted low-income housing

The term “federally assisted low-income housing” means housing assisted under—

- (A) section 1715(d)(3), section 1715(d)(4), or 1715z-1 of title 12;
- (B) section 1701s of title 12; or
- (C) section 1437f of this title.

(Pub. L. 100-690, title V, § 5126, Nov. 18, 1988, 102 Stat. 4302; Pub. L. 101-625, title V, § 581(a), Nov. 28, 1990, 104 Stat. 4247.)

AMENDMENTS

1990—Pub. L. 101-625 amended section generally, adding provisions defining “Federally assisted low-income housing”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 11903a of this title.

§ 11906. Implementation

The Secretary shall issue regulations to implement this subchapter within 180 days after November 28, 1990.

(Pub. L. 100-690, title V, § 5127, Nov. 18, 1988, 102 Stat. 4303; Pub. L. 101-625, title V, § 581(a), Nov. 28, 1990, 104 Stat. 4248.)

AMENDMENTS

1990—Pub. L. 101-625 amended section generally. Prior to amendment, section read as follows: “The Secretary shall issue regulations to implement this subchapter within 180 days after November 18, 1988.”

§ 11907. Reports

The Secretary shall require grantees to provide periodic reports that include the obligation and expenditure of grant funds, the progress made by the grantee in implementing the plan described in section 11904(a) of this title, and any change in the incidence of drug-related crime in projects assisted under this subchapter.

(Pub. L. 100-690, title V, § 5128, Nov. 18, 1988, 102 Stat. 4303; Pub. L. 101-625, title V, § 581(a), Nov. 28, 1990, 104 Stat. 4248.)

AMENDMENTS

1990—Pub. L. 101-625 amended section generally. Prior to amendment, section read as follows: “Not later than June 30, 1990, the Secretary, in consultation with the Director of National Drug Control Policy, shall submit to the Congress a report setting forth the activities carried out under the program established in this subchapter. The report shall include any recommendations of the Secretary for revisions necessary to make the program more effective.”

§ 11908. Monitoring

The Secretary shall audit and monitor the programs funded under this subchapter to ensure that assistance provided under this subchapter is administered in accordance with the provisions of this subchapter.

(Pub. L. 100-690, title V, § 5129, Nov. 18, 1988, 102 Stat. 4303; Pub. L. 101-625, title V, §§ 520(k), 581(a), Nov. 28, 1990, 104 Stat. 4205, 4248.)

AMENDMENTS

1990—Pub. L. 101-625, § 581(a), amended section generally. Prior to amendment, section read as follows: “There are authorized to be appropriated to carry out this subchapter \$8,200,000 for fiscal year 1989 and such sums as may be necessary for fiscal year 1990. From any amounts appropriated under this section in each fiscal year, 5 percent of such amounts shall be available for public housing youth sports program grants under section 11903a of this title for such fiscal year. Any amount appropriated under this section shall remain available until expended.”

Pub. L. 101-625, § 520(k), inserted second sentence “From any amounts appropriated under this section in each fiscal year, 5 percent of such amounts shall be available for public housing youth sports program grants under section 11903a of this title for such fiscal year.”

§ 11909. Authorization of appropriations

(a) In general

There are authorized to be appropriated to carry out this subchapter \$175,000,000 for fiscal year 1993 and \$182,350,000 for fiscal year 1994. Any amount appropriated under this section shall remain available until expended.

(b) Set-asides

Of any amount made available in any fiscal year to carry out this subchapter, not more than

6.25 percent of such amount shall be available for grants for federally assisted, low-income housing. Notwithstanding any other provision of law, of any amounts appropriated for drug elimination grants under this subchapter for fiscal years 1993 and 1994, not more than 6.25 percent shall be available for grants for federally assisted low-income housing and 5.0 percent shall be available for public housing youth sports program grants under section 11903a of this title.

(c) Set-aside for youth sports programs

Of any amount made available in any fiscal year to carry out this subchapter, 5 percent of such amount shall be available for public housing youth sports program grants under section 11903a of this title for such fiscal year.

(Pub. L. 100-690, title V, § 5130, as added Pub. L. 101-625, title V, § 581(a), Nov. 28, 1990, 104 Stat. 4248; amended Pub. L. 102-550, title I, §§ 126(a), 161(a), (b), Oct. 28, 1992, 106 Stat. 3710, 3718.)

AMENDMENTS

1992—Subsec. (a). Pub. L. 102-550, § 161(a), amended first sentence generally, substituting provisions appropriating funds for fiscal years 1993 and 1994 for provisions which appropriated \$160,000,000 for fiscal year 1991 and \$166,900,000 for fiscal year 1992.

Subsec. (b). Pub. L. 102-550, § 161(b), substituted “Set-asides” for “Set-aside for assisted housing” in heading and inserted at end “Notwithstanding any other provision of law, of any amounts appropriated for drug elimination grants under this subchapter for fiscal years 1993 and 1994, not more than 6.25 percent shall be available for grants for federally assisted low-income housing and 5.0 percent shall be available for public housing youth sports program grants under section 11903a of this title.”

Subsec. (c). Pub. L. 102-550, § 126(a), added subsec. (c).

REGULATIONS

Section 161(e) of Pub. L. 102-550 provided that: “Not later than 30 days after the date of the enactment of this Act [Oct. 28, 1992], the Secretary shall publish such final regulations as may be necessary to implement section 5130(b) of the Public and Assisted Housing Drug Elimination Act of 1990 (42 U.S.C. 11909(a)).”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 11903a of this title.

SUBCHAPTER II—DRUG-FREE PUBLIC HOUSING

§ 11921. Statement of purpose

The purpose of this subchapter is to reaffirm the principle that decent affordable shelter is a basic necessity, and the general welfare of the Nation and the health and living standards of its people require better coordination and training in drug prevention programs among the public officials and agencies responsible for administering the public housing programs of the Nation.

(Pub. L. 100-690, title V, § 5142, Nov. 18, 1988, 102 Stat. 4303.)

§ 11922. Clearinghouse on drug abuse in public housing

(a) Establishment

The Secretary of Housing and Urban Development shall establish, in the Office of Public

Housing in the Department of Housing and Urban Development, a clearinghouse to receive, collect, process, and assemble information regarding the abuse of controlled substances in public housing projects.

(b) Functions

The clearinghouse established under subsection (a) of this section shall—

(1) respond to inquiries by members of the public requesting assistance in investigating, studying, and working on the problem of the abuse of controlled substances; and

(2) receive, collect, process, assemble, and provide information on programs, authorities, institutions, and agencies, that may further assist members of the public requesting information from the clearinghouse.

(Pub. L. 100-690, title V, § 5143, Nov. 18, 1988, 102 Stat. 4303.)

§ 11923. Regional training program on drug abuse in public housing

(a) Establishment

The Secretary shall establish a regional training program for the training of public housing officials, to better prepare and educate the officials to confront the widespread abuse of controlled substances in the communities in which the officials work.

(b) Operation

The regional training program established under subsection (a) of this section shall be conducted within 12 months after November 18, 1988, by a national training unit established by the Secretary.

(Pub. L. 100-690, title V, § 5144, Nov. 18, 1988, 102 Stat. 4303.)

§ 11924. Definitions

For purposes of this subchapter:

(1) Controlled substance

The term “controlled substance” has the meaning given such term in section 802 of title 21.

(2) Secretary

The term “Secretary” means the Secretary of Housing and Urban Development.

(Pub. L. 100-690, title V, § 5145, Nov. 18, 1988, 102 Stat. 4304.)

§ 11925. Regulations

Not later than 6 months after November 18, 1988, the Secretary shall issue any regulations necessary to carry out this subchapter.

(Pub. L. 100-690, title V, § 5146, Nov. 18, 1988, 102 Stat. 4304.)

CHAPTER 125—RENEWABLE ENERGY AND ENERGY EFFICIENCY TECHNOLOGY COMPETITIVENESS

Sec.

12001. Finding, purpose, and general authority.

(a) Finding.

(b) Purpose.

(c) General authority.